IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9056 OF 2005

M/s.Delta Cans & Containers, Mumbai.. .... Petitioners
V/s
State of Maharashtra & Anr..... .....
Respondents.

with

WRIT PETITION NO. 9057 OF 2005.

Shri Vasant Mavji Tanna..... .....
Petitioner.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9060 OF 2005.

Shri Dinesh Damodar Phadke ..... Petitioner.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9061 OF 2005.

M/s.Bharat Petroleum..... ..... Petitioners.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9062 OF 2005.

Shri Parmindar Singh..... ..... Petitioner.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9268 OF 2005.

M/s.S.H.Kelkar & Co. Pvt. Ltd. ... .
Petitioners.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9447 OF 2005.

Shri Prakash E. Salgaonkar... ..... Petitioner.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 9448 OF 2005.

M/s.Dhanjibhoy Ice Factory Pvt. Ltd. .. .. Petitioner.
V/s
The State of Maharashtra & Ors.... ...
Respondents.

with

WRIT PETITION NO. 44 OF 2006.

Mr.Sandeep Jaisingrao Surve ....
Petitioner.
V/s
The State of Maharashtra & Anr.... ...
Respondents.

Smt.A.P.Madhuri, Adv. For the petitioners.

Shri R.D.Rane, Govt. Pleader for the State.

CORAM: V.G. PALSHIKAR, Ag.C.J

AND

SMT.NISHITA MHATRE, J.

12.1.2006.

PC:

By these petitions, the petitioners have questioned the action of the respondent-Regional Transport Authority, in not issuing no objection certificate for the petitioners' vehicles as the petitioners intend to take their vehicles out of Mumbai because in Mumbai vehicles of eight years of age cannot ply unless they have been converted to run on Compressed Natural Gas (CNG) or Liquified Petroleum Gas (LPG).

2. According to the petitioners, such application even if made is not accepted by the respondents. An affidavit in reply has been filed by the State where, apart from the order made by this Court, an affidavit filed by the Transport Commissioner, Maharashtra State in Writ Petition No.1762 of 1999 has been annexed wherein it is observed that the Government has evolved a scheme whereby the orders of this Court requiring the vehicles above eight years of age to fit with CNG/LPG kits before a particular date are properly implemented causing nominal possible loss to the vehicle owners who desire to take their vehicles out of the territorial limits of Greater Mumbai. In the said affidavit, the Transport Commissioner, Maharashtra State has stated what the State desires to do in consultation with the owners of vehicles registered in Mumbai and have completed or are about to complete eight years of age. It is necessary that the entire stastement on affidavit is considered verbatim. It reads thus:

> "(C) For the vehicles registered in Mumbai they have to get

converted on CNG/LPG before completing 8 years of age or they have to move out of Mumbai by obtaining N.O.C. Otherwise the registration of vehicles is treated as cancelled and the vehicle scrapped.

In case such vehicle is found plying in Mumbai the punishment is suggested here in above in para `B'. In case the vehicle is not found plying in Mumbai and the owner thereof desires to take the vehicle outside Mumbai. It is suggested that instead of cancelling its registration and treating it as scrapped which is a loss of National Wealth, those vehicles may be allowed to go out of Mumbai by issuing N.O.C. even after completing 8 years of age."

3. From the above, it will be seen that the Government would consider application for giving no objection certificate for taking the vehicles out of Mumbai, even after the vehicle has completed 8 years of age and would consider granting of such permission on each individual application. That being the factual position averred on oath by the Transport Commissioner, Maharashtra, we dispose of these petitions by directing the petitioners to make such applications as contemplated by (C) above within a period of two weeks from today. We further direct the respondents to accept and consider those applications in accordance with the statement made on affidavit, which is quoted above, within a period of two weeks thereafter.

4. These petitions are accordingly disposed of in the light of above directions.